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FLOOR DEBATE

January 18, 2002 LB 241A, 712

all voted who care to? Record, please, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 241A.

SENATOR CUDABACK: LB 241A does advance. Mr. Clerk, next agenda item.

CLERK: Mr. President, LB 712 was a bill introduced by Senator Kristensen. (Read title.) Introduced on January 17 of last year, referred to the Revenue Committee, bill was advanced to General File. I have no amendments at this time to the bill, Mr. President.

SENATOR CUDABACK: Senator Kristensen, you're recognized to open on LB 712.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the Legislature, LB 712 is a short bill that clarifies that the adoption of rules and regs by the Department of Revenue is an optional, not a mandatory, thing. What this does is basically clarify the language that the commissioner may adopt rules and regulations as opposed to "shall", in practice what happens. Many of the state agencies have this language. We pass an act and they are given the authorization to do rules and regulations. If they don't need to do rules and regulations they don't do them. To carry them out, some of them just put them in and they parrot the statute. There's really no mechanics to it. What has happened is that there was some litigation that occurred that said the statute says "shall"; you never promulgated any rules and regulations. That case is being argued this year. This bill does not touch that case nor would it have anything to do with that case. This is a separate section. It's an illustrative section that there are many of those out there. What I would suggest we do is that you don't want to have them unnecessarily do rules and regulations if they don't have to do them. That just creates more problems, more paperwork and more administrative red tape. This just clarifies that when we give them the authority they may, if it's necessary, they may produce rules and regulations. I think it is a practice done now in the Bill Drafter's Office to go to